

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

MARTHA DUBAN and THOMAS
DUBAN,

Plaintiffs,

vs.

WAVERLY SALES CO. and DALE
CHUPP,

Defendants,

No. 11-CV-2022-LRR

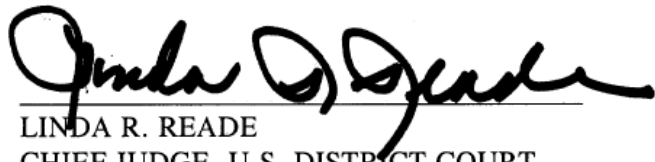
ORDER

The matter before the court is Defendant Waverly Sales Co.'s "Motion to Dismiss" ("Motion") (docket no. 6). On May 24, 2011, Plaintiffs Martha and Thomas Duban filed a Complaint (docket no. 2) in the instant action. On June 13, 2011, Waverly Sales Co. filed the Motion. On June 20, 2011, Plaintiffs filed an Amended Complaint (docket no. 9).

"It is well-established that an amended complaint supercedes an original complaint and renders the original complaint without legal effect." *In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) (citing *In re Atlas Van Lines, Inc.*, 209 F.3d 1064, 1067 (8th Cir. 2000)). The Motion seeks to dismiss the original Complaint—not the Amended Complaint. Because the Amended Complaint supercedes the original Complaint and renders it legally ineffective, the Motion (docket no. 6) is **DENIED AS MOOT**.

IT IS SO ORDERED.

DATED this 22nd day of July, 2011.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA